

Notice of Allowability

Application No.

10/700,938

Examiner

Yvonne R. Abbott

Applicant(s)

LEDESMA, RODOLFO VALLEJO

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 11/4/03 and interview of 6/24/04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ ~~CORRECTED~~ ^{FORMAL} DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/23/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/25/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Yvonne R. Abbott
Primary Examiner
Art Unit: 3644

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, drawn to a housing structure having feed receptacles, classified in class 119, subclass 454.
 - II. Claim 21, drawn to a bird feeder with a weight discriminating device, classified in class 119, subclass 57.9.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, functions, and effects.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Christian Heausler on June 24, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-20.
5. This application is in condition for allowance except for the presence of claim 21 to an invention non-elected without traverse. Accordingly, claim 21 has been cancelled.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Christian Heausler on June 24, 2004.

The application has been amended as follows:

in the specification, page 7, paragraph [00041] "fence (6)" has been changed to --fence (60)--; and on page 9, paragraph [00053], line 3, after the phrase "water bowl", --(58, 58A)-- has been inserted, and in line 5, after the word "base", --(57)--has been inserted.

7. The following is an examiner's statement of **reasons for allowance**: the claims in this application have been allowed because the prior art, alone or in combination, does not disclose a religious meditation apparatus comprising a feed box having at least one feed receptacle on a first side wall and at least one feed receptacle on a second side wall, and wherein the first side wall is parallel to the second side wall; a removable sliding plate disposed over the feed box, wherein said removable sliding plate is removable in the plane perpendicular to the front wall of the feed box and the removable sliding plate further comprises a plate hole; a first guide and a second guide

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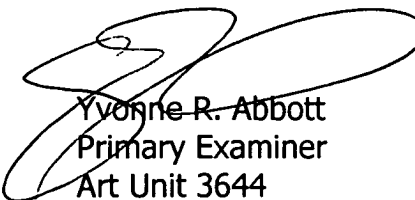
disposed on the removable sliding plate, wherein said guides are in parallel relationship to each other, and the first and second guides are both secured to the front and back walls of the feed box; a sliding drawer for containing feed disposed between the first guide and the second guide on the removable sliding plate and, wherein said sliding drawer contains a ramp and a drain hole and wherein said drain hole is in a spaced apart relation from the plate hole and, when the sliding drawer is pulled out, the drain hole aligns with the plate hole permitting feed to flow into the feed box when the sliding drawer is pulled; a roof having a first panel and second panel, disposed on the removable sliding plate, wherein said first panel is connected to said second panel by a hinge and the first panel is connected to the front wall and the back wall; a balance plate disposed over the sliding drawer connecting the front wall and the back wall; drawer stop disposed in the balance plate for preventing withdrawal of the drawer from the first and second guides; an inclined floor connecting the first side wall and the second side wall, enabling feed from the drawer to flow unimpeded through the drain hole to the feed receptacles; and a support disposed under the inclined floor extending the length of the feed box connected to the front wall on one end and the back wall on the other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (703)308-2866. The examiner can normally be reached on 7:30-5:00 flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on (703)306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne R. Abbott
Primary Examiner
Art Unit 3644